IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 23 OF 2004

Sultan Usman Nadaf & Anr. ..Appellants.

Versus

The State of Maharashtra ..Respondent.

Shri M.A. Utgikar for the Appellants.

Shri V.B. Sakhare, AGP for the Respondent.

CORAM : D. G. DESHPANDE,J.

DATE : 22nd JUNE, 2005

P.C. :

. Heard both the Advocates. Looking to the issue involved and prayer made, by consent the matter is taken up for final hearing at the stage of admission. Claim referred to by the Appellants under section 18 of the Land Acquisition Act, came to be dismissed by the Civil Judge, Senior Division, Pandharpur, by the impugned order. According to the Advocate for the Appellants, his claim was earlier filed at Solapur. It was transferred from Solapur to Pandharpur but the Appellant had no notice about the said transfer of the matter and therefore, he could not remain present at Pandharpur. As a result thereof, his claim came to be

dismissed. In view of these facts and circumstances, the Appeal is allowed. The impugned order is set aside. The matter is remanded back to the Civil Judge, Sr. Division, Pandharpur, where the Appellants will appear positively without fail on 18th July, 2005 at 11.00 a.m. and thereafter, the said Court will decide the matter within four weeks.

. Appeal is disposed of accordingly.

22.06.2005 (D.G. DESHPANDE,J.)

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